

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29332 of 2021

Date of decision: 16th April, 2024

Kamaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Ahluwalia & Mr. H.S. Randhawa,
Advocates for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

Mr. Vipul Babuta, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.68 dated 01.06.2021 under Sections 419, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860, registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar.

2. On the last date of hearing, i.e. 13.02.2024, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the instant

case for allegedly getting the sale deed executed by impersonating the maternal uncle of the complainant. While drawing the attention of this Court to the FIR, annexed as Annexure P/1, learned counsel for the petitioner has submitted that a bare perusal of the allegations levelled therein reveals that neither was he an impersonator and had wrongly identified anyone else, still further, nor was he a beneficiary of the transaction in question. His sole involvement, as per the allegations, was of having appeared before the Sub Registrar on behalf of the purchaser-Harkaran Singh. Furthermore, learned counsel has asserted that his false implication in the present case stems from the fact that he and the complainant are involved in multiple litigations against each other; to settle scores with him, the complainant has resorted to fabricating false accusations against the petitioner.

In support, he has drawn the attention of this Court to Annexures P-4 and P-5. It has still further been highlighted by the learned counsel that the prime-accused Mangat Ram has since expired, while both the Deed Writer and the Sub Registrar have been cleared of any wrongdoing.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 13.02.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Balkaran Singh, assisted by learned counsel for the complainant does not dispute the factum of the petitioner having joined investigation. However, it

has been submitted that the petitioner has not provided his driving license on the basis of which the sale deed in question was executed way back in the year 2013. Learned State counsel submits that other than for this purpose, the petitioner is not required for further investigation much less for his custodial interrogation.

5. Learned counsel for the petitioner has reiterated his submissions made on the last date of hearing and has further submitted that the petitioner was not a beneficiary to the said sale deed which was executed in the year 2013 and in fact, it is a matter of record that no challenge had also been made to the execution of the said sale deed till date.

6. In the circumstances, the petition is allowed and the interim order dated 13.02.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

April 16, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No